

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS E. KENNEDY,

Petitioner,

v.

DARREN SWENSEN,

Respondent.

Case No. C06-5446FDB

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

The Court adopted the Magistrate Judge's Report and Recommendation on the basis that the petitions were not filed within the one-year limitations period. Petitioner is not entitled to a certificate of appealability as reasonable jurists could not differ in their opinions on this issue.

ACCORDINGLY, IT IS ORDERED: Motion for Certificate of Appealability [Dkt. # 25] is DENIED.

DATED this 23<sup>rd</sup> day of February, 2007.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE